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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,039	08/21/2003	James Michael McArdle	AUS920030607US1	7333

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER
SYED, FARHAN M

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/645,039	MCARDLE, JAMES MICHAEL
	Examiner	Art Unit
	Farhan M. Syed	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 May 2006</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 May 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are pending.

Response to Amendment

Drawings

2.   Applicant's arguments, see page 8, filed 26 May 2006, with respect to the

Applicant's drawings have been fully considered and are persuasive. The objection of

the Applicant's drawings in the Examiner's office action dated 24 February 2006 has

been withdrawn.

Response to Arguments

3.   Applicant's arguments filed 26 May 2006 have been fully considered but they are

not persuasive. Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. This claim clearly recite a

"computer readable medium", which may "take the form of a signal bearing media using

communication links such as a radio frequency and light wave transmissions"

(Applicant's specification, page 25). The use of radio frequency and light wave

transmissions are illustrations of using the form of energy and are not tangible, and

cannot tangibly embody a computer program or process since a computer cannot

understand/realize (i.e. execute) the computer program or process when embodied on a

data signal. Computer program or processes are only realized within the computer

when stored in a memory or storage element (such as RAM or ROM). Therefore, a

signal bearing media does not meet the "useful, concrete, and tangible" requirement as

set forth in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02, and hence claims

16-18 are non statutory under 35 U.S.C. 101. For a further explanation of the use of

signals and carrier waves, the Examiner refers to the Interim Guidelines accessible

online at

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.p

df.

4.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

5.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by a non-

patent literature titled "Google Language Tools" (published Aug. 13, 2002,

http://www.google.com/language tools, known hereinafter as Google).

As per claims 1, 9, 11, 14, 16, 18, 19, and 20, Google teaches a method in a

data processing system for accessing a database containing text message for a plurality

of cultural contexts, the method comprising (i.e. The Google language tool is a data processing

system for accessing a database, because an ordinary person skilled in the art understands that Google

is a popular search engine on the World Wide Web.)(Page 1): receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database (i.e. On page 1, the search page written in: <any language> clearly illustrates that a client requests a cultural context, which is selecting a language from a plurality of cultural contexts, which are many languages contained in the drop-down field. Furthermore, because the Google site is a search engine, an ordinary person skilled in the art understands that a database resides on the back-end that services the Google language tools site.)(Page 1); and responsive to receiving queries from the client (Page 1 indicates that a text field contained in Search for: clearly indicates that this page is responsive to receiving queries from the client)(Page 1), processing the queries using the locale to select a text message in an appropriate cultural context (Page 1 clearly indicates that the locale is the result of the client selecting pages located in <any country>, contained in the search for text field would be the targeted text message, and the query is processed when a client selects the Google Search button.)(Page 1) without requiring the queries from the client to include the cultural context (i.e. "Tip: If you typically search only pages in a specific language or languages, you can save this as your default search behavior on the Preference page." The preceding text clearly indicates that a client has an ability to pre-select the cultural context and perform queries.)(Page 1).

As per claims 2 and 12, Google teaches a method wherein the cultural context includes at least one of a language, a country, and a time zone (i.e. *"Search pages written in: <any language>" "Search pages located in <any country>"* The preceding text clearly indicates that at least one language and one country is selected as a cultural context)(Page 1).

As per claims 3, 13, and 17, Google teaches a method wherein the database includes a plurality of message tables and wherein messages in the message tables are

provided in the plurality of cultural contexts (i.e. Page 1 and 2 clearly teach that the Google Language site is a search engine that contains a database that contains a plurality of message tables, which are the plurality of languages listed on pages 1 and 2. Furthermore, an ordinary person skilled in the art understands that messages are contained in the plurality of message tables and are provided in the plurality of cultural context.)(Pages 1 and 2).

As per claim 5, Google teaches a method wherein the cultural context ID is fixed based on the request (i.e. *"Search pages written in: <any language>"* The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is fixed based on the request, where once the user selects the language option, the computer system is reconfigured based on the corresponding locale.)(Page 1).

As per claim 6, Google teaches a method wherein the cultural context ID is a language ID (i.e. *"Search pages written in: <any language>""* The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is also the language ID.)(Page 1).

As per claim 7, Google teaches a method wherein the receiving step is located in one of a database engine and a command line parser (Page 1 clearly teaches that the Google Language Tool is a database engine that also contains a command line parser, which is the text field contained in the "Search for" field.)(Page 1).

As per claim 8, 10, and 15, Google teaches a method wherein the cultural context is selected from one of a language, geographic location, age, year, or month (i.e.

"Search pages written in: <any language>" *"Search pages written in: <any language>"* The preceding text

clearly indicates that the cultural context can be a language or geographic location.)(Page 1).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Google

Language Tool in view of Conrad et al (U.S. Patent No. 5,539,870 and known

hereinafter as Conrad).

As per claim 4, Google does not explicitly teach a method wherein multi-cultural

text is stored in separate rows with a message ID and a cultural context ID.

Conrad teaches a method wherein multi-cultural text is stored in separate rows

with a message ID and a cultural context ID (i.e. *"For example, the table contains entries to*

define a relationship of TABLE 98 to VIEW 99 and TABLE 100 to AUTHS 101 by having two separate

rows having TABLE as the object type with corresponding related object type entries of "VIEW" and

"AUTHS work". There is further repetition for all of the applicable qualifiers to each object-related object

pair." The preceding text clearly indicates that a multi-cultural text is a table entry and 'View' and 'Auths

work' are message ID and a cultural context ID, respectively.)(column 8, lines 24-30).

It would have been obvious to a person of ordinary skill in the art at the time of

Applicant's invention to modify the teachings of Google with the teachings of Conrad to

a method wherein multi-cultural text is stored in separate rows with a message ID and a

cultural context ID with the motivation to manage all of the systems in a distributed

database system. (Conrad, column 2, line 27).

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

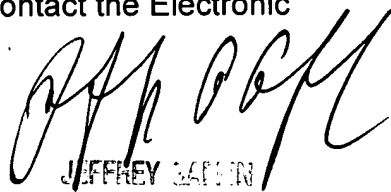than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Farhan M. Syed whose telephone number is 571-272-

7191. The examiner can normally be reached on 8:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

FMS